

GENERAL ORDERS, }
No. 154. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, May 28, 1863.

I.—Before a General Court Martial, which convened at St. Helena Island, South Carolina, February 21, 1863, pursuant to General Orders No. 2, dated Headquarters Detachment Tenth Army Corps, St. Helena Island, South Carolina, February 13, 1863, and of which Colonel W. W. H. DAVIS, 104th Pennsylvania Volunteers, is President, was arraigned and tried—

First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers.

CHARGE I.—“Being drunk on duty.”

Specification—“In this; that the said First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers, in the service of the United States, on the 1st day of January, 1863, on board the United States transport steamer *Cahawba*, at the railroad wharf at Morehead City, North Carolina, being in command of and on duty with his said company, during the debarkation of his regiment from the said steamship, was grossly drunk and unable to march his company therefrom.”

CHARGE II.—“Contempt and disrespect toward his commanding officer.”

Specification—“In this; that the said First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers, in the service of the United States, on the 1st day of January, 1863, on board the United States transport steamship *Cahawba*, at the railroad wharf at Morehead City, North Carolina, being then under arrest, did, when ordered by his superior officer, Lieutenant Colonel F. F. Weed, of said regiment, then in charge of the debarkation of the men of said regiment, to go off the said vessel on to the dock, and to march in rear of his company, refuse to go, and did say: “You ain’t man enough to make me go; it will take a better man than you to make me go; by God, you have no

right to put me in arrest ; by Jesus, you can't get guard enough to take me off," or words to that effect, and did continue to use the same, and other contemptuous and disrespectful language, to and concerning the said Lieutenant Colonel F. F. Weed, both on the vessel and on the wharf."

CHARGE III.—"Disobedience of the lawful command of his superior officer."

Specification 1st—"In this ; that the said First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers, in the service of the United States, on the 1st day of January, 1863, on board the United States transport steamship *Cahawba*, at the railroad wharf at Morehead City, North Carolina, having been placed in arrest for drunkenness on duty, did, when ordered by his superior officer, Lieutenant Colonel F. F. Weed, of said regiment, to go on to the dock and march in rear of his company, refuse and neglect to go."

Specification 2d—"In this ; that the said First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers, in the service of the United States, on the 1st day of January, 1863, at Morehead City, North Carolina, having been taken from the United States transport steamship *Cahawba*, by Colonel Charles Durkee, commanding said regiment, and by him ordered to remain on shore with his company, did repeatedly, in violation of orders, go on board said vessel."

Specification 3d—"In this ; that the said First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers, in the service of the United States, on the 1st day of January, 1863, on board the United States transport steamship *Cahawba*, at the railroad wharf at Morehead City, North Carolina, when ordered by Lieutenant E. J. Rice, of said regiment, officer of the guard, who had been ordered by Colonel Charles Durkee, commanding said regiment, to remove the said First Lieutenant *Eleazer Mulholland*

from said vessel to go on shore, did refuse to go, and did resist the guard of said Lieutenant Rice."

CHARGE IV.—"Conduct prejudicial to good order and military discipline."

Specification—"In this; that the said First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers, in the service of the United States, on the 1st day of January, 1863, at Morehead City, North Carolina, was, during the debarkation of this regiment from the United States steamship *Cahawba*, so grossly drunk as to be unable to march his company, of which he was in command, on to the wharf, presented a ridiculous and disgraceful spectacle to the enlisted men of his company and regiment, and did refuse to go to his company when ordered to it in arrest by his superior officer, Lieutenant Colonel F. F. Weed, of said regiment, and did, in violation of orders, remain on said vessel until forcibly removed therefrom by the guard, and did repeatedly, in violation of orders, return to the said vessel after he had been removed therefrom, and did all the while, both on the vessel and on the wharf, use contemptuous, disrespectful, and profane and indecent language to and concerning his superior officer, Lieutenant Colonel F. F. Weed, and all this in the presence and hearing of officers and men of the navy of the United States, and of a great number of officers and enlisted men of his own and other regiments and corps."

CHARGE V.—"Conduct unbecoming an officer and a gentleman."

Specification—"In this; that the said First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers, in the service of the United States, on or about the 27th day of January, 1863, on board the steam transport *United States*, in Beaufort harbor, North Carolina, did steal, or cause his negro servant to steal, six or more bottles of ale, the property of Brigadier General Heckman, or his staff officers."

To which charges and specifications the accused, First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers, pleaded as follows :

CHARGE I.

To the Specification, "Not Guilty."

And to the CHARGE, "Not Guilty."

CHARGE II.

To the Specification, "Not Guilty."

And to the CHARGE, "Not Guilty."

CHARGE III.

To Specification 1st, "Not Guilty."

To Specification 2d, "Not Guilty."

To Specification 3d, "Not Guilty."

And to the CHARGE, "Not Guilty."

CHARGE IV.

To the Specification, "Not Guilty."

And to the CHARGE, "Not Guilty."

CHARGE V.

To the Specification, "Not Guilty."

And to the CHARGE, "Not Guilty."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers, as follows :

CHARGE I.

Of the Specification, "Guilty."

Of the CHARGE, "Guilty."

CHARGE II.

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

CHARGE III.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the 3d *Specification*, "Guilty, except the words 'And did resist the guard of said Lieutenant Rice.'"

Of the 3d CHARGE, "Guilty."

CHARGE IV.

Of the *Specification*, "Guilty, except the words 'forcibly' and 'by the guard.'"

Of the 4th CHARGE, "Guilty."

CHARGE V.

Of the *Specification*, "Not Guilty."

Of the 5th CHARGE, "Not Guilty."

SENTENCE.

And the Court does therefore sentence him, First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers, "*To be cashiered.*"

II.—The proceedings of the Court in the foregoing case have been submitted to the President of the United States, who approves the sentence awarded First Lieutenant *Eleazer Mulholland*, 98th New York Volunteers, and directs that it be carried into execution.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,

Assistant Adjutant General.